

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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Before the Court is a document from Defendant entitled **DECLARATION** (#103) filed November 3, 2010, which includes a request (which the Court will treat as a **motion**) to **reopen the case**. The Government filed an Opposition (#105) on November 10, 2010. Defendant's Reply (#106) was filed November 29, 2010.

Following an indictment and trial, Defendant Wilder was sentenced to 235 months, for being a felon in possession of a firearm with an Armed Career Criminal Act enhancement (See ## 56, 61) on December 23, 2005. Wilder appealed his conviction and sentence. The Ninth Circuit affirmed the judgment in *United States v. Wilder*, No. 06-10032. The mandate issued on May 22, 2007.

On July 2, 2008, Wilder filed a motion under 28 U.S.C. §2255 (#94), which was opposed by the Government (#98). This Court denied the §2255 motion in an 8-page Order on November 3, 2008 (#99), the same day Defendant Wilder filed an untimely reply (#100).

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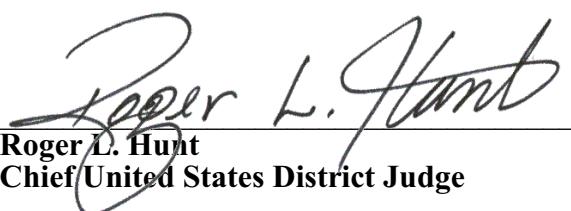
1 Now, two years later, Defendant Wilder claims he never got a copy of the Court's
2 Order (#99) until just recently. He requests a copy of the Order and asks the Court to reopen the
3 case. His request will be denied.

4 Defendant provides no authority or justification for reopening his case. The inference
5 that the Court failed to consider his reply is not material and the lack of consideration of his reply
6 before entry of the Order did not prejudice Wilder. The Court has reviewed his reply (#100) and it
7 merely reiterates what he said in his motion. It does not present any new information or any
8 meritorious challenge to the Government's opposition. The Court's Order (#99) denying the §2255
9 motion addresses his claims thoroughly and found they have no basis. The reply would have had no
10 effect. The decision would have been the same.

11 IT IS THEREFORE ORDERED that Defendant Wilder's Declaration/Motion to
12 Reopen Case (#103) is DENIED.

13 IT IS FURTHER ORDERED that the Clerk of Court shall mail this Order and its
14 Order (#99) of November 3, 2008, to Christopher James Wilder, 39467-048, P.O. Box 7000,
15 Florence, CO 81226-7000.

16 Dated: December 6, 2010.

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19 Roger L. Hunt
20 Chief United States District Judge
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